

ZB# 03-11

John & Colleen Rinaldi

62-4-12.1

03-11

RINALDI, JOHN & COLLEEN
322 LINDEN AVE (62-4-12.1)
SINGLE FAMILY HOME WITH TWO KITCHENS

APPROVED

4/03

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-11 TYPE: AREA _____ USE 2 KitchensAPPLICANT: John Rivaldi322 Lynden AveNew Windsor, NYTELE: 496-6071

RESIDENTIAL: \$ 50.00 CHECK # _____

COMMERCIAL: \$150.00 CHECK # _____

INTERPRETATION: \$150.00 CHECK # 249ESCROW: ~~\$500.00~~
300.00 CHECK # 250DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>2/24/03</u>	\$ <u>13.50</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING... <u>3/10</u>	<u>9.00</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u>22.50</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ _____

* * * * *

ESCROW POSTED: \$ 300.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 207.50



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

April 29, 2003

Mr. John Rinaldi
322 Lindon Lane
New Windsor, Ny 12553

SUBJECT: 62-4-12.1 VARIANCE REQUEST

Dear Mr. Rinaldi:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

A handwritten signature in cursive script, reading "Myra Mason". The signature is written in dark ink and is positioned above a horizontal line.

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 62-4-12.1

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

JOHN RINALDI

INTERPRETATION

CASE #03-11

WHEREAS, John Rinaldi, owners of 322 Linden Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Single-family home containing two kitchens at 322 Linden Avenue in an R-4 Zone; and

WHEREAS, a public hearing was held on the March 10, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties;
 - (b) The applicant's structure is operated as a single-family home. The application contains a sink and some kitchen cabinetry in the lower level of the home. The lower level does not have any electric or gas service, does not have a stove and is not constructed in such a way as to allow the use of a stove.

- (c) The applicant affirms that the property was purchased as a single-family home, is not a two-family home and has never been a two-family home.
- (d) No adverse comments, formal or informal, have been received;
- (e) There is only one electrical and gas meter coming into the premises;

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. Notwithstanding the presence of a sink in the basement, it appears that the instant premises is a one-family home and is operated and has been continuously operated as such.
2. No variances are granted and no variances have been sought by the applicant.

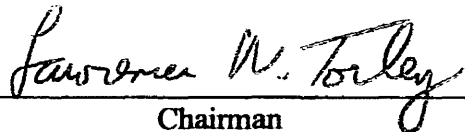
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an INTERPRETATION of a Single-family home containing two kitchens at 322 Linden Avenue in an R-4 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 23, 2003


Chairman

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: APRIL 25, 2003
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 207.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-11

NAME: JOHN RINALDI

ADDRESS: 322 LYNDEN AVENUE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

*4/25/03
L.R.*

JOHN RINALDI #03-11

MR. TORLEY: Request for interpretation for single-family home containing two kitchens at 322 Linden Avenue in an R-4 zone.

Mr. John Rinaldi appeared before the board for this proposal.

MR. TORLEY: Is anyone wishing to speak on Mr. Rinaldi's application? Hearing none, let the record so note. So yes, sir.

MR. RINALDI: We're here today for an interpretation on the use of my bi-level, lower level we have a sink, some cabinetry that's in the family room area which we use primarily for entertaining, use of the pool in the back yard during the summer months. We have the refrigerator down there so people can get drinks, wash up in the sink down there, we use it to wash the dog. We do not have a two-family home, have never had a two-family home. There's no electric service for a stove. There's no gas service for a stove, there isn't even a cut-out in the cabinetry to put a stove if we wanted to. We don't even have a microwave down there anymore. So it's just used to during the summer months and when we are entertaining at Christmas and we wash the dog in that sink too so that's primarily it.

MR. KANE: No comments formally or informally about the kitchen area in your basement?

MR. RINALDI: Absolutely none.

MR. TORLEY: And you're willing to stipulate that this is a single family house and will remain so?

MR. RINALDI: It has always been a single family home and has never been nothing but that.

MR. TORLEY: And will be marketed in the future?

MR. RINALDI: Yes, it's definitely a single family home.

MR. KANE: There's only one electrical and gas meter coming into the house?

MR. RINALDI: Yes, there's only one electrical and gas meter to the whole house.

MR. TORLEY: Gentlemen, nobody in the audience. Anyone else have any questions?

MR. REIS: Mr. Chairman, I happen to be involved, our company happens to be involved with the sale of the property so I'm going to have to recuse myself on the vote.

MS. MASON: On the 28th of February, 55 envelopes were mailed out containing the notice of public hearing.

MR. TORLEY: Gentlemen, do you have any other questions on this matter?

MR. KANE: No. Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we interpret the Rinaldi house at 322 Linden Avenue as a single family home intended as use as a single family home with two kitchens.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	ABSTAIN
MR. KANE	AYE
MR. TORLEY	AYE

JOHN RINALDI (03-11)

MR. TORLEY: Request for interpretation of residence as a single-family with two kitchens in an R-4 zone at 322 Linden Avenue.

Mr. John Rinaldi appeared before the board for this proposal.

(Whereupon, Mr. Kane and Mr. McDonald entered the room.)

MR. TORLEY: Gentlemen, what we did since we had the audience here and I wasn't sure, I was worried about you guys being stuck in ice or God forbid an accident, so since preliminary meetings are not required by state law, we went ahead and started that even in the absence of a quorum, so we have done the first preliminary which is Makan Homes and take a look at the package. We're just now starting the second preliminary.

MR. RINALDI: The problem is the building inspector has indicated that I have a kitchen in my basement or has asked me to get an interpretation as to whether or not we have a kitchen and submitted some photographs. The house was built, it's a raised ranch, it was built approximately 12 years ago and the original plans called for plumbing, sink, fixtures in the downstairs basement area as well as the bathroom for the downstairs. About three or four years ago, we put some cabinetry in because we needed additional storage and we put a utility sink down there, we have absolutely no cooking facilities downstairs, there's no place for a stove, there's no electrical service for a stove, no gas service for a stove. We basically use the downstairs as our family room. We have a swimming pool out in the back and the refrigerator and sink provide us access in the summertime to get a beer, have some food, the kids watch T.V. downstairs, use the table and chairs for that. We have a doggie door so the dog can go in and out there's no separation from the downstairs from the upstairs other than the one door, but we basically use the whole house, it's never been used as an apartment in any way whatsoever and other than the fact that I have a sink and refrigerator and cabinets

that we store stuff in and use it's a family room, that's the only way we're using this property.

MR. KANE: You don't have any kind of separate electric meters or anything like that?

MR. RINALDI: Absolutely not.

MR. KANE: Your intention is to always use it as a single-family home?

MR. RINALDI: Exactly.

MR. KANE: Just for the record, we like to get that on the record so we don't have any illegal two-family homes.

MR. TORLEY: The reason we're doing this is we found there have been owners who have a one family and illegally convert to a two-family house and the neighbors generally are properly upset about this. So when we find a situation like this, we try to resolve it in this manner so that it's clear to everyone that it is a one-family house, by asking for this interpretation, it fixes it and you don't have to worry about it again. The next person that buys your house doesn't have to worry about it.

MR. KANE: And you have legally put it on record that it's going to be used as a one-family home.

MR. RINALDI: It always has been.

MR. TORLEY: That's been the intent of almost everyone that's been here, they just happen to have a summer kitchen or wet bar or whatever but we're just making sure that the town isn't overrun by illegal two family or multi-family houses.

MR. KANE: Accept a motion?

MR. TORLEY: If no one has any other questions, yes.

MR. KANE: I move we set up Mr. Rinaldi for an interpretation on his requested interpretation at 322

Linden Avenue.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KANE: We have to do everything via public hearing, so what they do in New Windsor which is kind of different than other towns, they use a preliminary hearing to get an idea of what you want to do, therefore, you can bring us what we need to make a good decision. Other towns do everything, you walk in whether you're ready or not, they make a decision, sometimes that's not right so--

MR. TORLEY: All right, so we're giving you the paperwork.

MR. RINALDI: When would we get the public hearing?

MS. MASON: You don't have to do anything until you get a phone call from the assessor's office.

MR. RINALDI: Because we have a closing on the 28th of March and I was concerned about that.

MS. MASON: I'll try to move it along tomorrow.



RESULTS OF Z.B.A. MEETING OF: March 10, 2003

PROJECT: John Rinaldi - Public Hearing ZBA # 03-11
P.B.#



USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
KANE _____
TORLEY _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) K S) Riv VOTE: A 3 N 0.

RIVERA A
~~MCDONALD~~
REIS Abstain
KANE A
TORLEY A

CARRIED: Y ☒ N _____.

Status - Not a Two Family Home and will remain so.

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 2/10/03

APPLICANT: John Rinaldi
322 Linden Avenue
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing Finished Basement

LOCATED AT: 322 Linden Avenue

ZONE: R-4 Sec/Blk/ Lot: 62-4-12.1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing finished basement with separate kitchen, bathroom and bedroom, creates a two-family house, which is not permitted in an R-4 zone.



BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: A-8

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

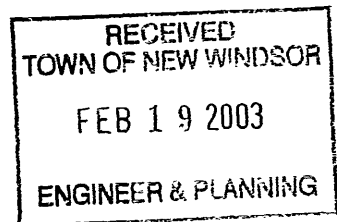
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A.. APPLICANT. FILE. W/ ATTACHED MAP



03-11

BUILDING PERMIT

The Town of New Windsor Building Department, County of Orange, State Of New York
hereby issues permit for project as described herein:

Permit Number:

PA2003-0068

Tax Parcel ID:

62-4-12.1

Issue Date: **January 24, 2003**

Permit Issued To: **Owner**

Permit Fee: **\$50.00**

Permit Application Reference **PA2003-0068**

Type Of Permit: **RESIDENTIAL** **OTHER**

Street Address of Property: **322 LINDEN AVE**

Property Owner's Name: **RINALDI MARY & JOHN A**

Property Owner's Address: **322 LINDEN AVE
NEW WINDSOR NY 12553**

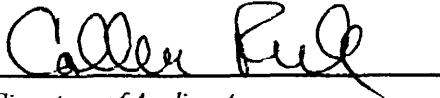
Occupant's Name:

Occupancy Classification: **A1**

Description Of Work: **EXISTING FINISHED BASEMENT W/FULL BATH**

FILE COPY

I am familiar with the Zoning/Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. The information stated above is correct and accurate.



Signature of Applicant

A permit, under which no work has commenced within six (6) months after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

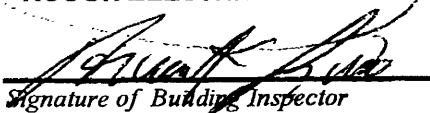
It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspections will not be scheduled. **YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE** when calling for any inspections or inquiries

You must call for the following phases

ROUGH ELECTRIC UNDERWRITE

C.O. OR C.C.

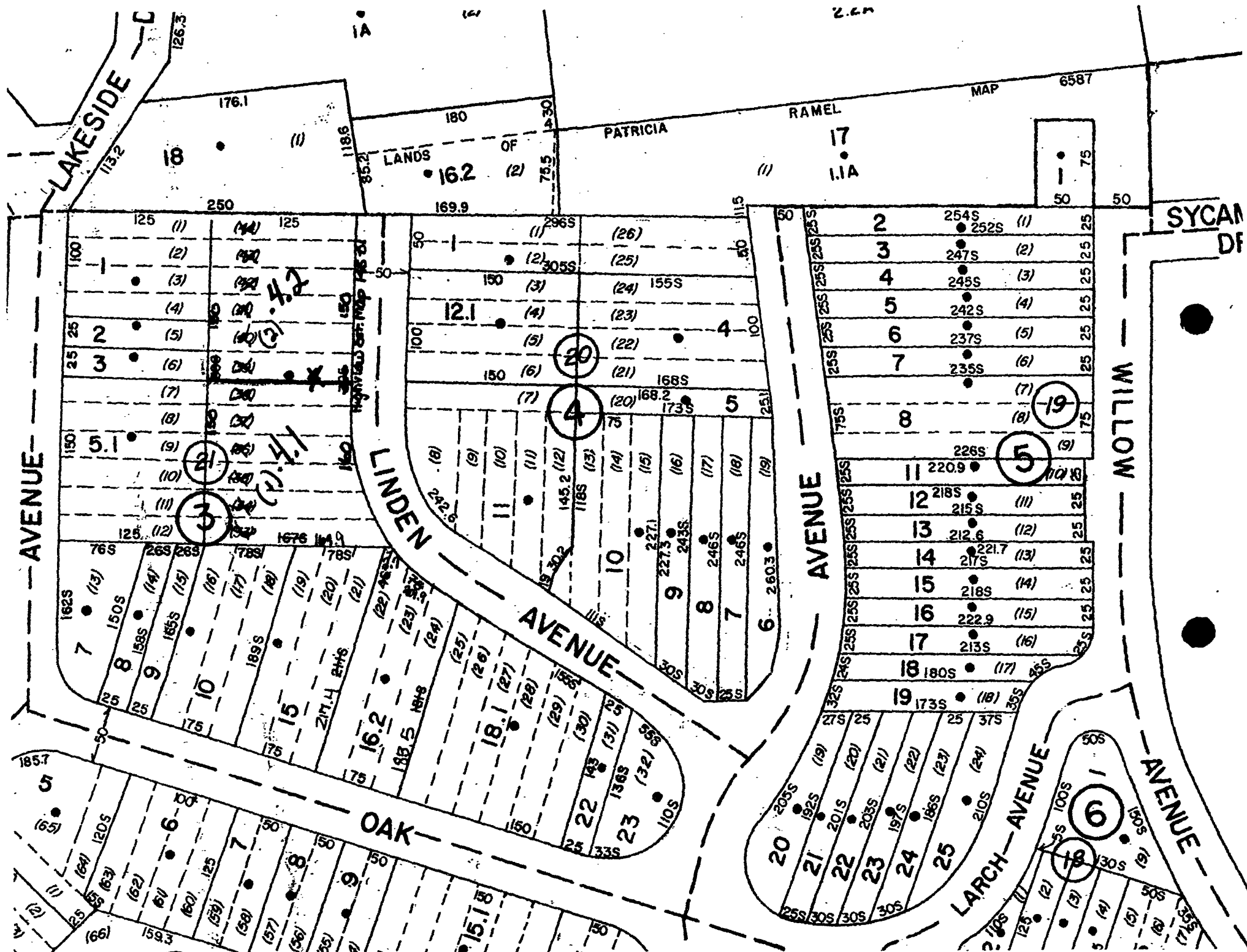
BUILDING DEP 845-563-4618

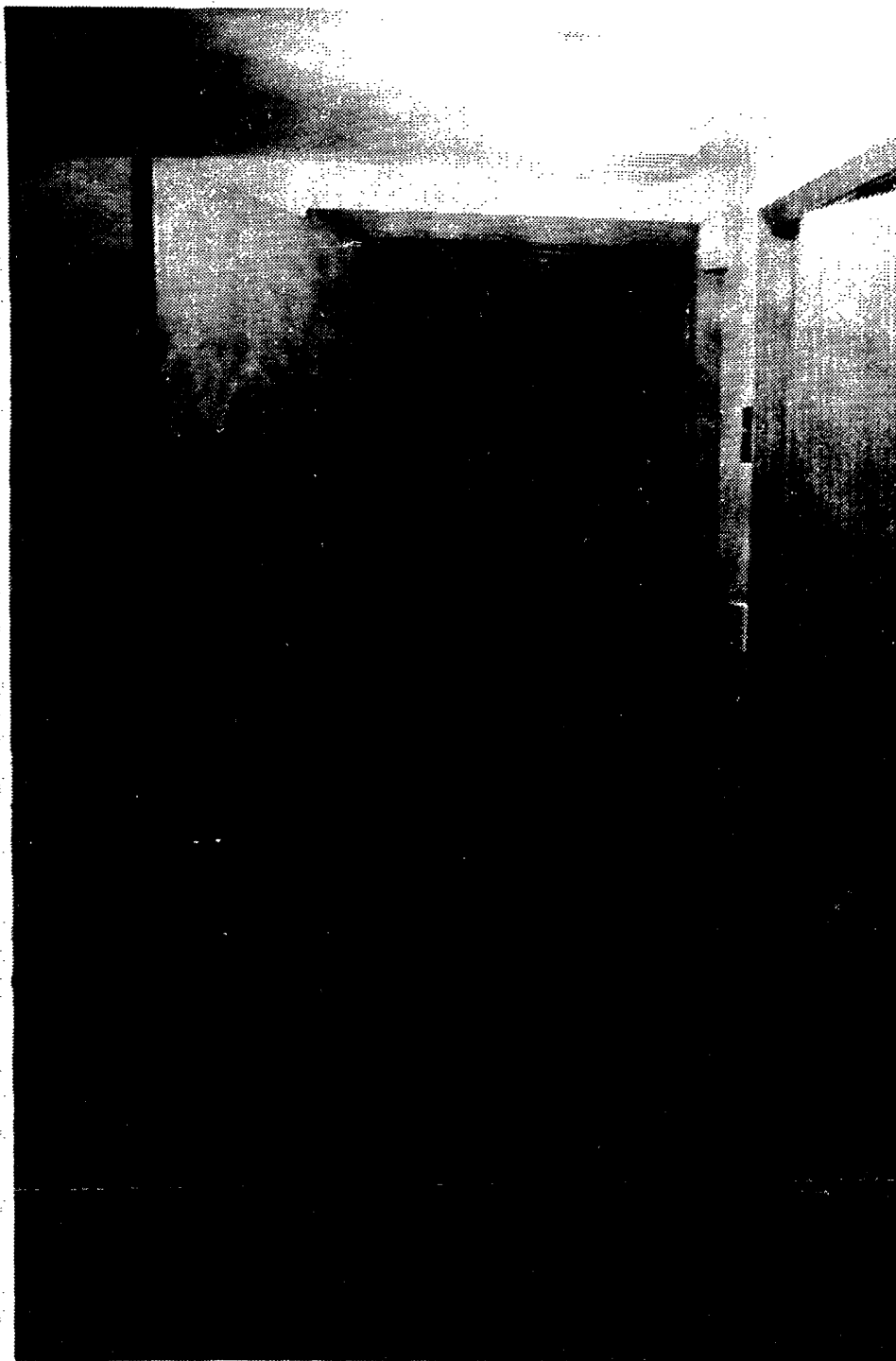


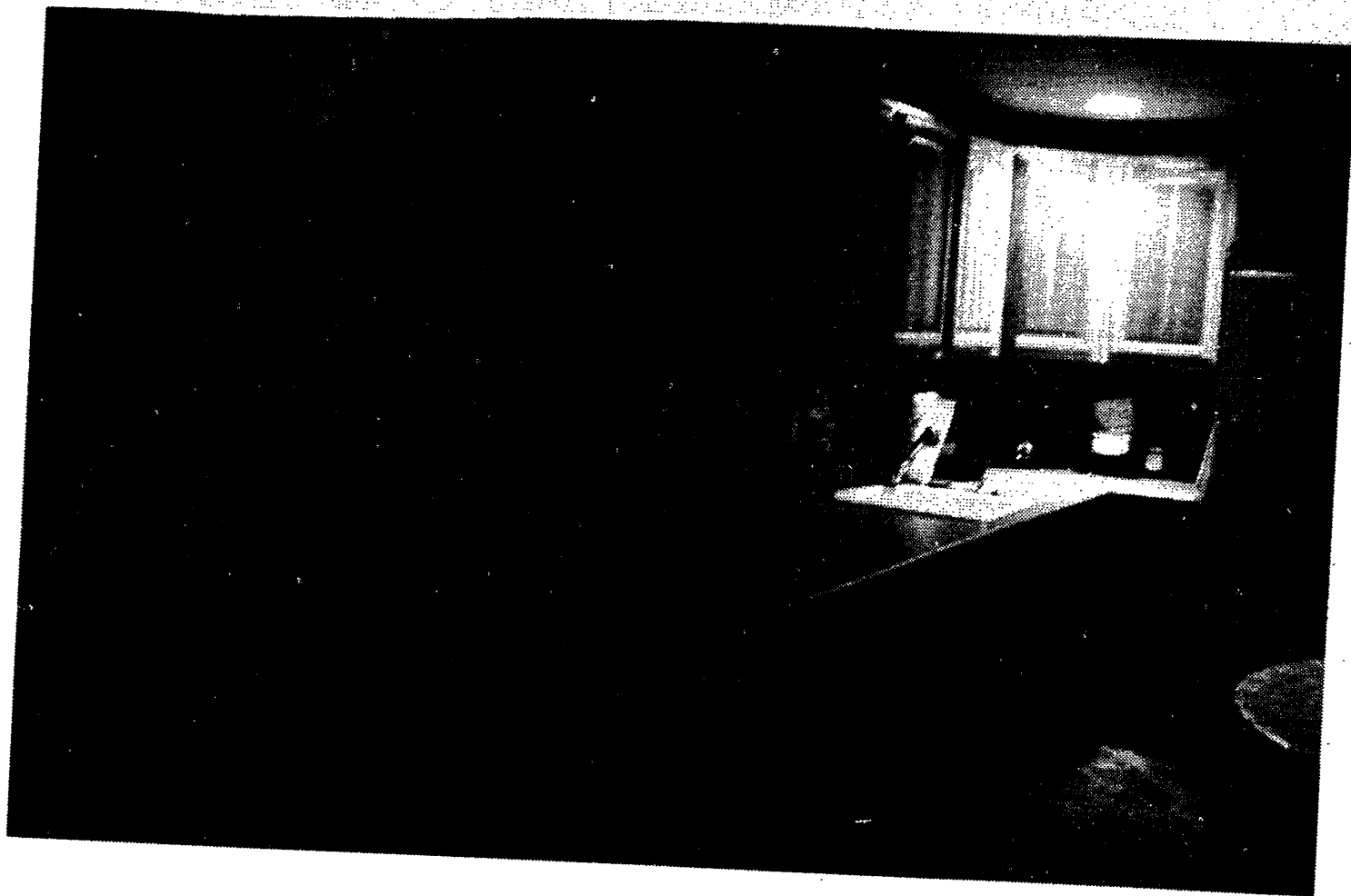
Signature of Building Inspector

VALID UNTIL

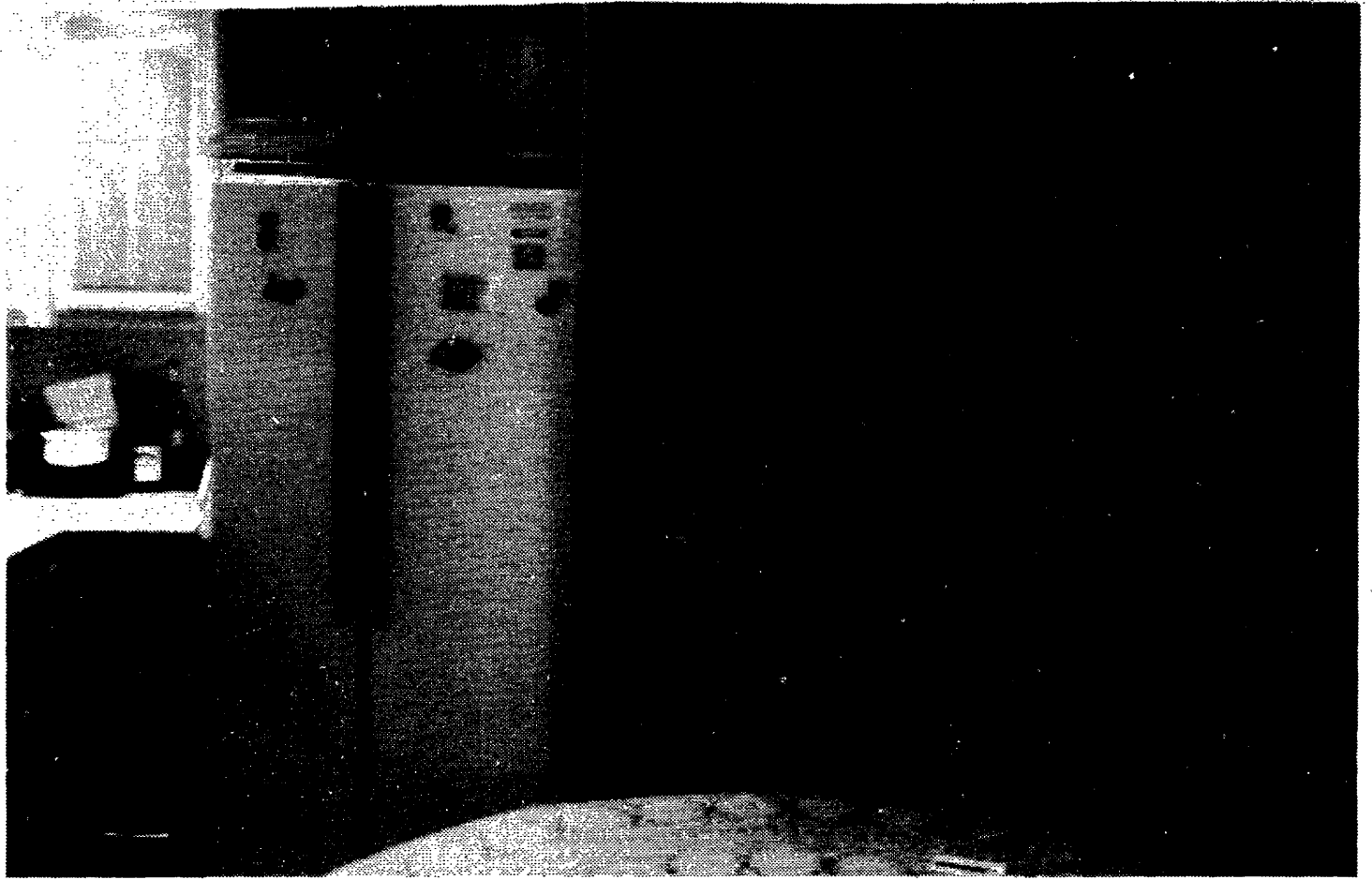
7/24/04

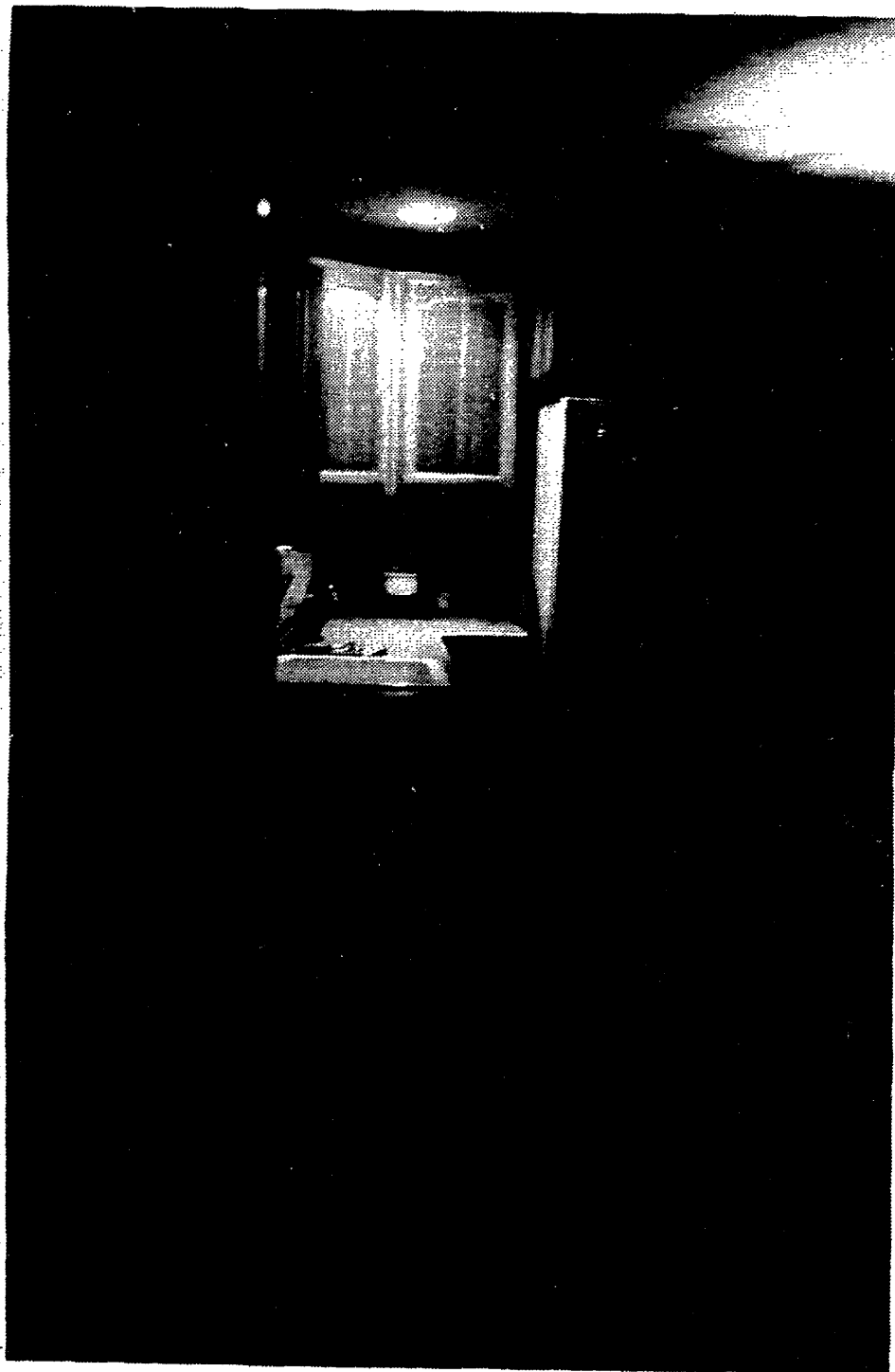


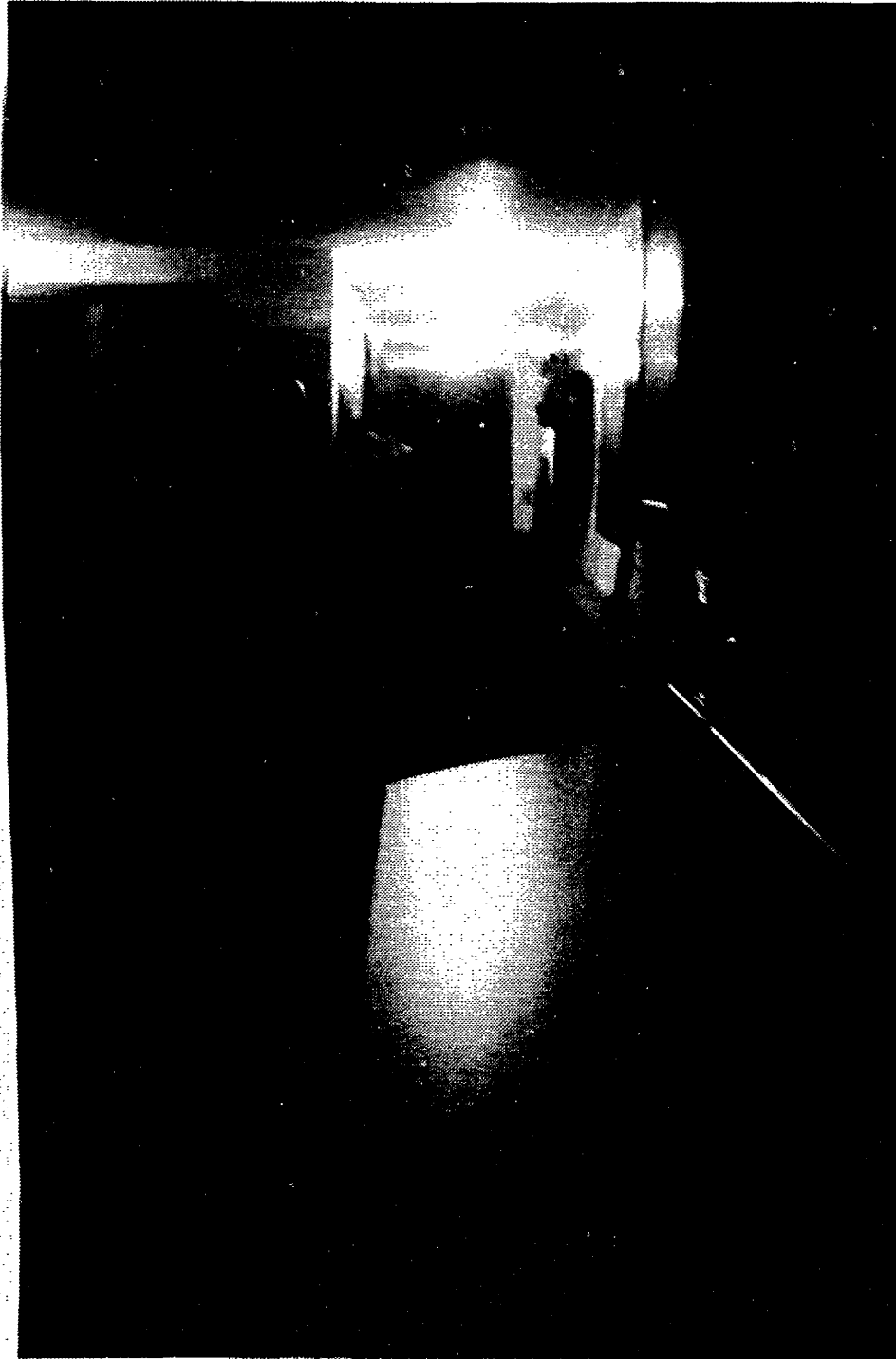


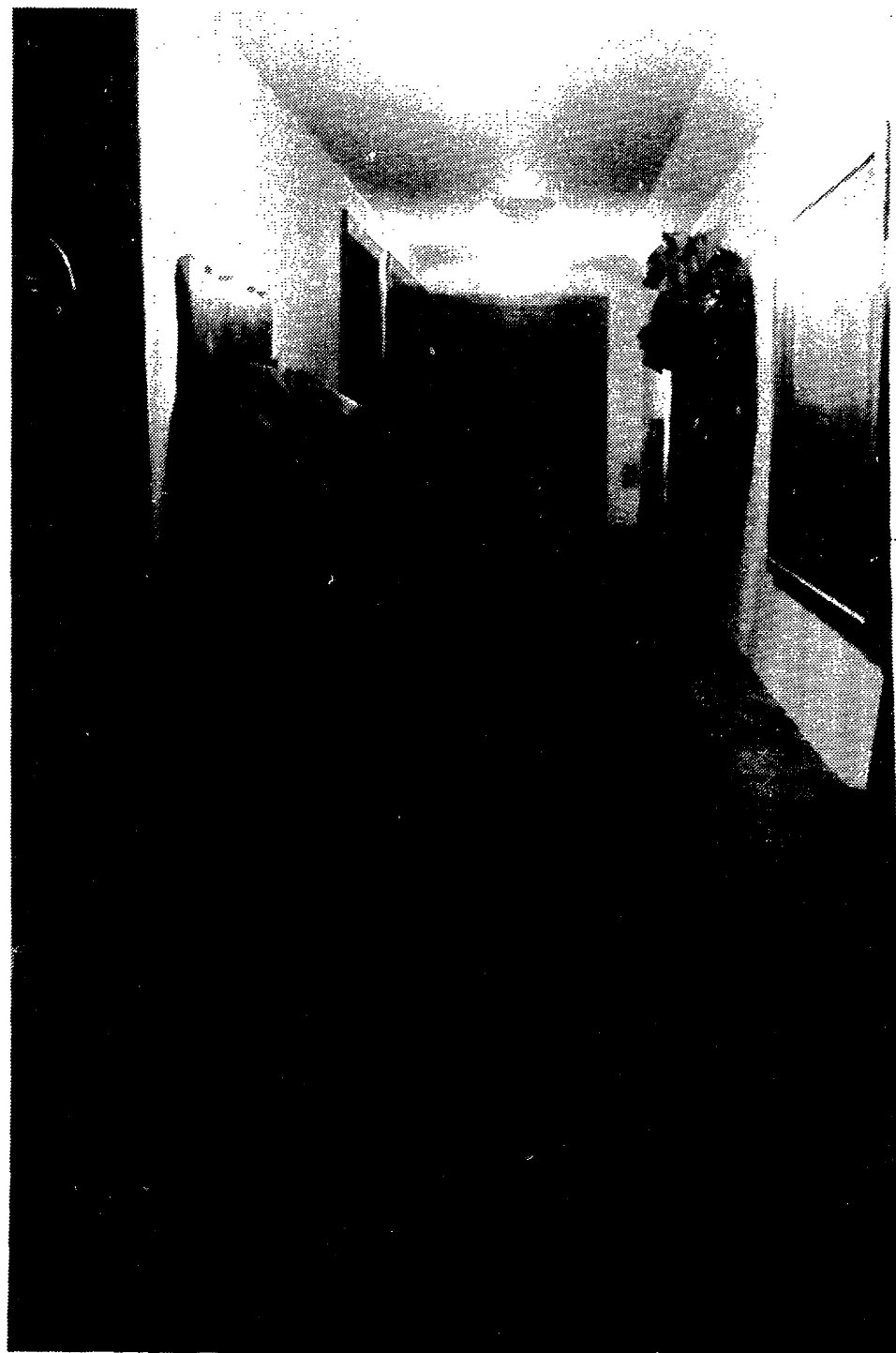


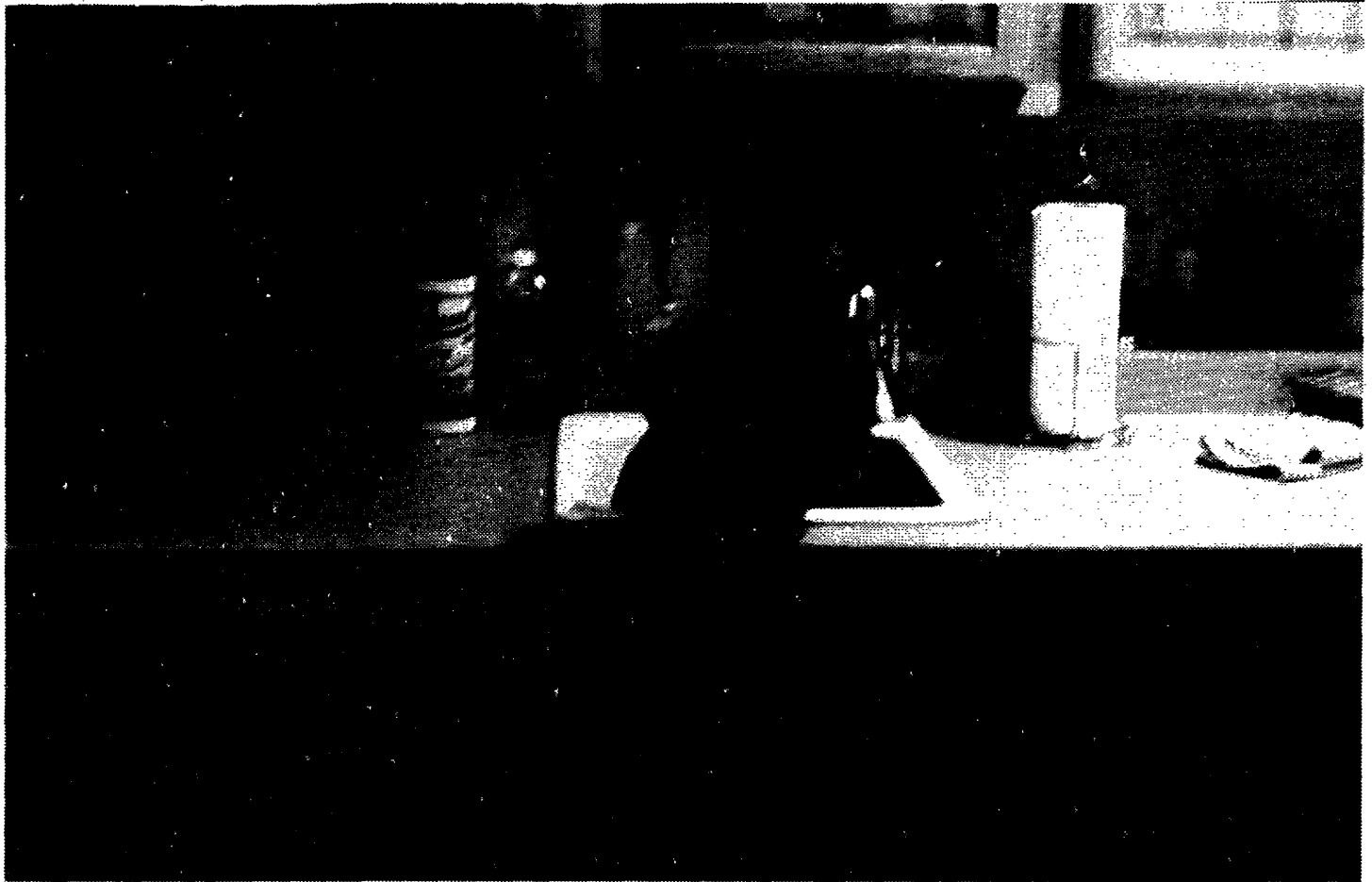














-----X

JOHN RINALDI

#03-11

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

February 27, 2003

John Rinaldi

Re: 62-4-12.1


Dear Mr. Rinaldi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley 

J. Todd Wiley
Sole Assessor

JTW/jjl
Attachments

CC: Myra Mason, ZBA

62-2-3
Anthony A. & Christine L. Gooler
P.O. Box 362 Rd 4 Walnut St.
New Windsor, NY 12553

62-2-3
Anthony A. & Christine L. Gooler
327 Walnut Ave.
New Windsor, NY 12553

62-2-7
Carl G. & Laura Rosenbauer
323 Walnut Ave.
New Windsor, NY 12553

62-2-8
Lucia Florio
321 Walnut Ave.
New Windsor, NY 12553

62-2-10
Michael Fumarola
319 Walnut Ave.
New Windsor, NY 12553

62-2-11
John J. & Nancy Mahoney
317 Walnut Ave.
New Windsor, NY 12553

62-2-13
Florence T. Guster
315 Walnut Ave.
New Windsor, NY 12553

62-2-15
Salvatore, Barbara, & Camille Somma
311 Walnut Ave.
New Windsor, NY 12553

62-2-23.1
Charles P. & Norma J. Esposito
604 Shore Drive
New Windsor, NY 12553

62-2-26 & 62-2-27 & 62-2-28 & 62-2-29
& 62-2-30
George Jr. & Lorraine Ventiera
614 Shore Drive
New Windsor, NY 12553

62-2-31
Robert G. & Judith A. Norman
618 Shore Dr.
New Windsor, NY 12553

62-2-33.1
James R. Allen
622 Shore Drive
New Windsor, NY 12553

62-3-1
Stella Vargas
349 Shore Dr.
New Windsor, NY 12553

62-3-2 & 62-3-3
James E. & Cassandra A. Kane
324 Walnut Ave.
New Windsor, NY 12553

62-3-4.1
Robert Fillingham & Carol Frankel
319 Linden Ave.
New Windsor, NY 12553

62-3-4.2
Lois A. Mungiovi
325 Linden Ave.
New Windsor, NY 12553

62-3-5.1
Daniel Voglesong
CMR 442 Box 607
Heidelberg APO, AE 09042-0607

62-3-7 62-3-8 & 62-3-9
Salvatore & Barbara L. Somma
370 Oak Drive
New Windsor, NY 12553

62-3-10
Lawrence & Mary T. Germano
364 Oak Drive
New Windsor, NY 12553

62-3-15
Barbara Salony Trustee of
The Salony Family Trust IRR-TRT
362 Oak Drive
New Windsor, NY 12553

62-3-16.2
Emily Wanamaker & Vincent Mastellone
360 Oak Drive
New Windsor, NY 12553

62-3-18.1
David R. & Valarie J. Abbott
354 Oak Drive
New Windsor, NY 12553

62-3-22 & 62-3-23
Angel Martinez
309 Maple Drive
New Windsor, NY 12553

62-4-1 & 62-5-1
Beaver Dam Lake Water Corp.
C/o C. Rinaldi, Treasurer
322 Linden Ave.
New Windsor, NY 12553

62-4-4
Mary Rinaldi
325 Maple Ave.
New Windsor, NY 12553

62-4-5 & 62-4-10
Thomas J. & Yanira Moriarty
323 Maple Ave.
New Windsor, NY 12553

62-4-6
Frank W. Kieck & Susan Cohen-Kieck
317 Maple Ave.
New Windsor, NY 12553

62-4-7 & 62-4-8 & 62-4-9
Frank W. Kieck & Susan Cohen-Kieck
486 Maple Ave.
New Windsor, NY 12553

62-4-11
Paul R. & Katrina C. Rubino
316 Linden Ave.
New Windsor, NY 12553

62-4-16.2
Rami Bleibel
328 Linden Ave.
New Windsor, NY 12553

62-4-17
Thomas J. Jr. & Mary Ellen McGowan
333 Maple Ave.
New Windsor, NY 12553

62-5-23 & 62-5-24 & 62-5-25
Andrew R. & Elizabeth Kuriplach
334 Oak Drive
New Windsor, NY 12553

60-1-19
Joseph & Sylvia O'Halloran
2 Short Rd.
New Windsor, NY 12553

62-4-18
Joseph Andretta & Janine Greco
4 Lakeside Drive
New Windsor, NY 12553

62-8-5
Mildred M. & Anthony Edward
& Paul Proietto
308 Walnut Ave.
New Windsor, NY 12553

60-1-26
Raymond & Margaret Robare
3 Short Rd.
New Windsor, NY 12553

62-4-19
Guy & Beth Rickli
10 Lakeside Drive
New Windsor, NY 12553

62-8-6
Douglas Williams
363 Oak Drive
New Windsor, NY 12553

60-1-27
Edith Kolodie
4 North Brookwood Drive
Montclair, NJ 07042

62-4-20
John J. & Susan A. Pucci
337 Maple Ave.
New Windsor, NY 12553

62-8-7
Frank Lombardi
361 Oak drive
New Windsor, NY 12553

57-1-81.11
Bruce & Carol Anne Shepard
16 Lakeside Drive
New Windsor, NY 12553

62-5-2 & 62-5-3 & 62-5-4 & 62-5-5
& 62-5-6
Victoria Wieber
344 Maple Ave.
New Windsor, NY 12553

62-8-8
Francis A. Cirigliano
359 Oak Drive
New Windsor, NY 12553

57-1-83
Jeffrey P. & Kathleen Roma
PO Box 109
Salsbury Mills, NY 12577

62-5-7 & 62-5-8
Rudolph L. Losio
105 Hope Way
Whiting, NJ 07859

62-8-9
Shellie M. Evans
23 Laurel Trail
Monroe, NY 10950

62-5-11 & 62-5-12 & 62-5-13
Vivian L. Rizzo
330 Maple Ave.
New Windsor, NY 12553

62-8-15.1
Edward W. & Margaret J. Janatsch
353 Oak Drive
New Windsor, NY 12553

62-5-14 & 62-5-15 & 62-5-16
Timothy P. & Leslie G. Grotenhuis
324 Maple Ave.
New Windsor, NY 12553

62-8-18
Dolores M. Schimenti
305 Maple Ave.
New Windsor, NY 12553

62-5-17 & 62-5-18 & 62-5-19
Richard A. Mycka Jr.
318 Maple Ave.
New Windsor, NY 12553

60-1-18.2
Haris Durutlic
13 Lake Side Drive
New Windsor, NY 12553

62-5-20 & 62-5-21 & 62-5-22
Patricia S. Lane
340 Oak Drive
New Windsor, NY 12553

60-1-18.3
William & Ellen Sherman
9 Lake Side Drive
New Windsor, NY 12553

55
mailed
2/28/03

25



PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-11

Request of JOHN RINALDI

for an INTERPRETATION of the Zoning Local Law to Permit:

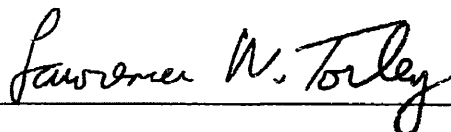
Existing single-family home with finished basement, separate kitchen, bathroom and bedroom to remain as single-family home

being an INTERPRETATION

for property located at: 322 Linden Avenue - New Windsor, NY

known and designated as tax map Section 62 Block 4 Lot 12.1

PUBLIC HEARING will take place on March 10th, 2003 at 7:30 P.M.
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in cursive script, reading "Lawrence W. Torley", is written over a horizontal line.

Chairman

ASAP

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 02-25-2003 PROJECT NUMBER: ZBA# 03-11 P.B. # _____

APPLICANT NAME: JOHN RINALDI

PERSON TO NOTIFY TO PICK UP LIST:

JOHN RINALDI
322 LINDEN AVENUE
NEW WINDSOR, NY

TELEPHONE: 496-6071

TAX MAP NUMBER:	SEC. <u>62</u>	BLOCK <u>4</u>	LOT <u>12.1</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 322 LINDEN AVENUE
NEW WINDSOR

THIS LIST IS BEING REQUESTED BY: _____

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX

❖ ❖

AMOUNT OF DEPOSIT: \$25.00 CHECK NUMBER: 152

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

February 27, 2003

John Rinaldi

Re: 62-4-12.1

Dear Mr. Rinaldi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley 

J. Todd Wiley
Sole Assessor

JTW/jjl
Attachments

CC: Myra Mason, ZBA

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 02-19-2003

FOR: 03-11

FROM: **JOHN RINALDI**

322 LYNDON AVE.

NEW WINDSOR, NY 12553

CHECK NUMBER: 250

AMOUNT: **\$300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

2/24/03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF:

February 24, 2003

PROJECT: John Rinaldi

ZBA # 03-11

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) K S) M

VOTE: A 4 N 0

RIVERA

MCDONALD

~~REIS~~

KANE

TORLEY

A
A
A
ACARRIED: Y ☒ N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

RIVERA

MC DONALD

~~REIS~~

KANE

TORLEY

CARRIED: Y N

No separate meters

Always to be single-family

ZBA # 03-11

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#158-2003

02/24/2003

Rinaldi, John & Colleen
322 Lynden Avenue
New Windsor, NY 12553

**Received \$ 150.00 for Zoning Board Fees, on 02/24/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

February 19, 2003

Mr. & Mrs. John Rinaldi
322 Linden Avenue
New Windsor, NY 12553

SUBJECT: #03-11 REQUEST FOR VARIANCE

Dear Mr. & Mrs. Rinaldi:

This letter is to inform you that you have been placed on the February 24th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

322 Linden Avenue
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE



2/17/03
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☒

I. **Owner Information:** Phone Number: (845) 496-6071
John + Colleen Rivaldi Fax Number: ()
(Name)
322 Linden Ave New Windsor NY 12553
(Address)

II. **Purchaser or Lessee:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

III. **Attorney:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**
Zone: R-4 Property Address in Question: 322 Linden Ave
Lot Size: _____ Tax Map Number: Section 62 Block 4 Lot 12.1
a. What other zones lie within 500 feet? R-4
b. Is pending sale or lease subject to ZBA approval of this Application? yes
c. When was property purchased by present owner? 12 yrs ago - 1989
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? yes

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**

03-11

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

We do not have a Two Family house.
Our basement does not have a kitchen. There is no
cooking facility. No stove or range. No gas
or electric service for a stove. We simply have
a sink + refrigerator used to store food +
clean up during summer months when we use
our pool.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-11

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

DISAPPROVAL OF building permit for existing
finished basement. finished basement does not
create a two-family home as alleged by
building inspector.

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**

03-11

XII. **ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
Nothing in our basement creates a kitchen. there is
no utility service for a stove / range. no room to
place a stove, no cabinet cutout for a stove

XIII. **ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☒ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☒ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☒ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles.

XIV. **AFFIDAVIT.**

STATE OF NEW YORK)

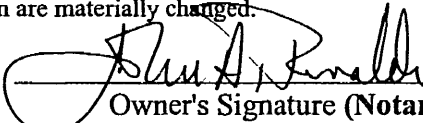
) SS.:

COUNTY OF ORANGE)

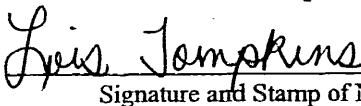
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

18th day of February 2003.


Owner's Signature (Notarized)

John A. Rinaldi
Owner's Name (Please Print)


Signature and Stamp of Notary

Lois Tompkins
Notary Public, State of New York
NYS Reg. #01106017363
Qualified in Sullivan County
Commission Expires December 14, 2006

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-11